

R E M A R K S

Claims 1-10, 17-19, and 21-26 are pending in this application. In the office action:

- 1) claim 25 was rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Application Publication No. US 2002/0077133 (Mizell et al.) (office action, ¶ 2);
- 2) claims 4 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0077133 (Mizell et al.) and U.S. Patent Application Publication No. US 2002/0110104 (Surdila et al.) (office action, ¶ 4);
- 3) claims 1, 5, and 21-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. US2002/0110104 (Surdila et al.) (office action, ¶ 5);
- 4) claims 2, 3, and 6-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0110104 (Surdila et al.) and U.S. Patent Application Publication No. US 2002/0077133 (Mizell et al.) (office action, ¶ 6);
- 5) claims 17-19 are allowed (office action, ¶ 7); and
- 6) this action was made final (office action, ¶ 9).

As discussed below, the claims have been amended. Reconsideration is respectfully requested.

Prior Art Rejections under §§ 102 and 103

In the previous response, the claims were amended to more clearly indicate two features of the invention - (1) a SIP user agent resident in the

serving GPRS support node (SGSN) that generates a requests directed to a SIP application server and (2) an SGSN-requested PDP context activation. Neither of the cited references disclose, teach, or suggest either of these features, nor would it be obvious to modify any of the references to locate a SIP user agent in the SGSN for the purpose of sending SIP requests to a SIP application server from the SGSN or provide an SGSN with the capability of requesting a PDP context activation. The following remarks address the rejections of all of the claims.

The Mizell et al. Reference

U.S. Patent Application Publication No. US 2002/0077133 (Mizell et al.) was relied upon in the rejection of claims 2-4, 6-10, 25, and 26 (office action, ¶¶ 2, 4, 6). These claims recite the apparatus for, or the step of, “requesting a PDP context activation” by the SGSN. In claims 2, 3, 6, and 7, the word “initiating” has been changed to “requesting.” Support for the term “requesting” is found in the application as filed. Specification, p. 15, lines 1-13. A conforming amendment has also been made to claim 25.

Mizell et al. does not anticipate this limitation as it discusses initiation of a PDP context by the gateway GPRS support node (GGSN) 224, and not as the result of a request by the serving GPRS support node (SGSN) 212. See Mizell et al., ¶¶ [0041], [0047] (step 316), [0051] (step 416), and [0053] (step 524). Further, the GGSN and the SGSN are two different

components having separate functions. “The Gateway GPRS Support Node (GGSN) provides interworking with external packet-switched networks, and is connected with SGSNs via an IP-based packet domain PLMN backbone network.” ETSI TS 123 060 v3.9.0 (2001-10), titled “Digital cellular telecommunications system (Phase 2+) (GSM); Universal Mobile Telecommunications System (UMTS); General Packet Radio Service (GPRS); Service description; Stage 2 (3GPP TS 23.060 version 3.9.0 Release 1999), October 2001, p. 16. “The Serving GPRS Support Node (SGSN) keeps track of the location of an individual MS and performs security functions and access control.” Id. Nor would it be obvious to “request[] a PDP context activation at the serving GPRS support node” in view of teachings of Mizell et al., as it would require a change in the operation of the applicant’s invention. For at least these reasons, claim 25 is not anticipated nor rendered obvious by Mizell et al. and claims 2-4, 6-10, and 26 are not rendered obvious by the reference.

The Surdila et al. Reference

U.S. Patent Application Publication No. US 2002/0110104 (Surdila et al.) was relied upon in the rejection of claims 1-5, 6-10, 21-24, and 26 (office action, ¶¶ 4, 5, and 6). All of these claims require a SIP user agent resident in a serving GPRS support node (the SGSN). However, Surdila et al. does not disclose, teach, or suggest placing a SIP user agent in

the SGSN. Rather, Surdila et al. shows a SIP user agent in the MGCF. The MGCF (media gateway control function) serves as an interface with the circuit-switched network, while the SGSN is concerned with the mobile station, as described in the preceding paragraph.

The citation to In re Japikse, 181 F.2d 1019, 86 U.S.P.Q. 70 (C.C.P.A. 1950) does not support the proposition that it would have been obvious to locate the SIP user agent in the SGSN, as this would “modified the operation” of the system. M.P.E.P. § 2144.04(VI)(C) (8th ed., rev. 5, August 2006), page 2100-139 (rejection upheld there because the modification “would not have modified the operation of the device.” [emphasis added]). In the Japikse matter, the operation of a hydraulic press would not be changed if the position of a starting switch was altered from that claimed to that taught by the art. Here, however, moving the SIP user agent from the MGCF to the SGSN in Surdilla et al. would change the operation of the system in that reference. Similarly, changing the location of the SIP user agent from the SGSN, as described and claimed by the applicant, to the location taught by Surdilla et al. would change both the structure and operation of the applicant’s invention.

Additionally, the applicant again states that there is no basis for the assertion that the claimed combination was made merely to “reduce the cost of the system.” And no evidence has been presented to support this claim.

For at least the foregoing reasons, the concept of locating a SIP user agent in a serving GPRS support node (the SGSN) is not anticipated or rendered obvious by Surdila et al. nor would it be obvious to someone skilled in the art to modify Surdila et al. to achieve the applicant's claimed combination. For at least these reasons, claims 1-5, 6-10, 21-24, and 26 are not rendered obvious by Surdila et al.

Assertion of Official Notice

The applicant maintains the objection to the assertion of official notice in support of obviousness. See M.P.E.P. § 2144.03. The office action asserts that "a method and system for implementing push services, presence status and push prepaid recharging service at [the] SGSN and said SIP application server are well known and expected in the art at the time [the] invention was made." First, there is no documentary support for this statement as a general proposition. Second, there is no documentary support illustrating that it was well known to provide the claimed services with the claimed apparatus or in the manner of the claimed method. Therefore, the showing necessary to support the assertion of official notice has not been made.

Conclusion

For at least the foregoing reasons, the claims are neither anticipated nor rendered obvious by the art. The applicant believes that he has

responded to all of the issues raised in the office action and submits that all of the pending claims are allowable. Thus, it is respectfully requested that the examiner pass the application to allowance. The examiner is invited to call the undersigned or Brian K. Johnson, Esq., Nokia Siemens Networks, tel. 732-321-3017, if there are any questions concerning the application.

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Respectfully submitted,

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